

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

FILED
U.S. DISTRICT COURT
INDIANAPOLIS DIVISION
2013 NOV 12 PM 4:50
SOUTHERN DISTRICT
OF INDIANA
LAURA A. BRIGGS
CLERK

SHARMAINE LYNN DAVIS,

Plaintiff,

vs.

PORTFOLIO RECOVERY ASSOCIATES,
LLC.,

Defendant.

No.

1 : 13 -cv- 1805 TWP -DML

COMPLAINT

Plaintiff, SHARMAINE LYNN DAVIS ("Plaintiff"), through her attorneys, alleges the following against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC. ("Defendant"):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Because Defendant conducts business in the State of Indiana, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person who resides in Lebanon, Boone County, Indiana and is obligated or allegedly obligated to pay a debt and is a "consumer" as that term is defined by 15 U.S.C. 1692a(3).

6. Plaintiff is informed, believes, and thereon alleges, that Defendant is a national company with a business office in Norfolk, Virginia.

7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

8. Plaintiff is informed, believes, and thereon alleges, that Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

FACTUAL ALLEGATIONS

9. Defendant is attempting to collect an alleged debt from Plaintiff.

10. Plaintiff's alleged debt arises from transactions for personal, family and household purposes.

11. Defendant places telephone calls to Plaintiff on her cellular telephone at telephone number (765) 484-86xx.

12. In its collection attempts, Defendant placed telephone calls to Plaintiff from telephone number (800) 772-1413, a number belonging to Defendant.

13. On September 30, 2013, Defendant placed a collection call to Plaintiff at 7:05 A.M.

14. On October 3, 2013, Defendant placed a collection call to Plaintiff at 7:07 A.M.

15. On October 4, 2013, Defendant placed a collection call to Plaintiff at 7:07 A.M.

16. On October 11, 2013, Defendant placed a collection call to Plaintiff at 7:07 A.M.

17. On October 14, 2013, Defendant placed a collection call to Plaintiff at 7:07 A.M.

18. On October 16, 2013, Defendant placed a collection call to Plaintiff at 7:07 A.M.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT,
(FDCPA), 15 U.S.C. § 1692 et seq.

19. Defendant violated the FDCPA. Defendant's violations include, but are not limited to the following:

- a) Defendant violated §1692c(a)(1) of the FDCPA by placing collection calls to Plaintiff at unusual time or place or a time or place known or which should be known to be inconvenient to the consumer, specifically by placing collection calls to Plaintiff before 8 o'clock antemeridian.
- b) Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in connection with the collection of an alleged debt.

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- 20. Statutory damages of \$1,000.00 pursuant to the FDCPA, 15 U.S.C. 1692k;
- 21. Costs and reasonable attorney's fees pursuant to the FDCPA, 15 U.S.C. 1692k;
- 22. Any other relief that this court deems to be just and proper.

DATE: November 5, 2013

RESPECTFULLY SUBMITTED,

By: 

Ryan Lee
Krohn & Moss, Ltd.
10474 Santa Monica Blvd., Suite 405
Los Angeles, CA 90025
Ph: (323) 988-2400 ext 241
Fax: (866) 861-1690
rlee@consumerlawcenter.com
Attorneys for Plaintiff,
SHARMAINE LYNN DAVIS